IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 18193 of 2004

Between:

1 Vardhineni Prabhakar Rao S/o rangaiah
Chimidithapadu, Gudluru Mandal, Prakasham District, A.P.,
2 Gosu Basavaiah S/o Gunnaiah
Chimidithapadu, Gudluru Mandal, Prakasham District, A.P.,

... PETITIONERS

AND

1 The district Collector (Panchayath Wing) Prakasham District, Ongole, A.P.,
2 The District Panchayath Officer, Prakasham District, Ongole, A.P.
3 Thatithoti Raghavaiah S/o Esraial
Gram Panchayath, Chimidithapadu, Gudluru Mandal, Prakasham District, A.P.,

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or order or direction under Article 226 of the Constitution of India, Particularly one in the nature o fWrit of Mandamus, declaring the proceedings of the Second Respondent herein, i.e. the District Panchayat Officer, Prakasham District, Ongole, A.P. issued in L.Dis. No. 1071/2003(Pts.)/A1/dt. 17-5-2004 as unjust, irrational and illegal after calling for the records.

Counsel for the Petitioner: MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following:

ORDER:

On the information submitted by the Extension Officer about the irregularities committed by the third respondent-Sarpanch, the District Panchayat Officer-second respondent by notice dated 22-04-2003 ordered freezing the cheque drawing power of the third respondent. While so, second respondent, by impugned proceedings dated 17-05-2004 restored the cheque drawing power of the third respondent-sarpanch. Assailing the correctness of the same, the present writ petition has been filed.

2. Learned counsel for the petitioner submits that on a complaint made by the Extension Officer, police registered Cr.No.5 of 2004 for an offence under Section 409 of the Indian Penal Code and chargesheet is filed which is pending in C.C.No.170 of 2004 on the file of the Additional District Munsif Magistrate, Kandukur; restoring the cheque drawing powers by the D.P.O., is arbitrary and illegal. This Court has denied the benefit of the chargesheet filed since whether the allegations made against the third respondent-sarpanch was on the complaint made by the Extension Officer *prima facie* establish to proceed with the same or not. Be that as it may, on the representation made by the Extension Officer, the D.P.O seized the cheque power and after due enquiry and submission of the report, the same was restored. If that were the case, petitioner, if aggrieved by the same, can approach the District Collector with necessary material to show that the cheque drawing power cannot be restored to the third respondent. Petitioner, without approaching the competent authority, who can make an enquiry into the matter, cannot straightaway invoke the jurisdiction of this Court and this Court cannot run the administration by making an enquiry into the said allegations.

Learned counsel further submits that petitioners made a representation to the District Collector on 25-09-2004. Petitioners, without giving any breathing time to the respondents, hastily approached this Court.

The writ petition is accordingly dismissed. No costs. However, it is for the District Collector to make an enquiry into the said allegations and pass appropriate orders within a period of two months from the date of receipt of a copy of this order after due notice to the parties.

_____

A. **GOPAL REDDY, J**

October 7, 2004

MRR

To:

1 The district Collector (Panchayath Wing) Prakasham District, Ongole, A.P.,
2 The District Panchayath Officer, Prakasham District, Ongole, A.P.
3 Thatithoti Raghavaiah S/o Esraial
Gram Panchayath, Chimidithapadu, Gudluru Mandal, Prakasham District, A.P.,

4 Two C.C. s to the G.P. for Panchayat Raj and Rural Development, High Court

Buildings, Hyderabad (OUT).

5 Two C.D. Copies.